IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO. 239 OF 2007

Prashant S. Dhumde ...Petitioner
V/s.
K.M. Agarwal College of ARts & Ors. ...Respondents

Mr.N.D. Buch with Ms.Bina Dholakia for the Petitioner.
Mr.K.K. Jadhav for Respondent No.1.

CORAM : V.C. DAGA, J.

DATED : FEBRUARY 26, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner at length. Perused petition and annexures thereto.

2. This petition is directed against the order dated 10th November, 2006 passed in Appeal No.11 of 2006 by the Mumbai University & College Tribunal at Mumbai, whereby the appeal filed by the petitioner challenging his termination has been dismissed.

3. Having gone through the chargesheets issued to the petitioner, evidence recorded and the report of the enquiry officer together with the findings recorded by the appellate authority, the view taken by the appellate

authority in the impugned order is reasonable and plausible view.

4. No case could be made out by the learned Counsel for the petitioner to demonstrate any perversity in the impugned order so as to invoke the writ jurisdiction of this Court.

5. This Court not being Court of appeal is not expected to reappreciate evidence and substitute its own findings in place of findings of the appellate court. Each finding recorded by the learned Judge of the appeal court can be supported on the basis of material available on records.

6. It is true that learned appellate Judge has made certain observations about the involvement of the other officers, who have already retired. At any rate that cannot go to the benefit of the petitioner to hold that he should have been absolved of the charges levelled against him. The involvement of the petitioner in some of the charges stands proved which by no stretch of

imagination could be said to be not serious. If the cumulative effect of all the charges which are proved against him is taken into account, no fault can be found with the order of termination or the action of the management. By no stretch of imagination, the impugned order warrants inference at the hands of this Court in exercise of writ jurisdiction..

7. In the result, petition is dismissed in limine with no orders as to costs.

(V.C. DAGA, J.)